

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **William N. Foxley, M.D.**

Case No. MD-04-0796A

4 Holder of License No. 17023
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical
9 Board ("Board") and William N. Foxley, M.D. ("Respondent"), the parties agreed to
10 the following disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and
12 the stipulated Findings of Fact, Conclusions of Law and Order ("Consent
13 Agreement"). Respondent acknowledges that he has the right to consult with legal
14 counsel regarding this matter.
15

16 2. By entering into this Consent Agreement, Respondent voluntarily
17 relinquishes any rights to a hearing or judicial review in state or federal court on the
18 matters alleged, or to challenge this Consent Agreement in its entirety as issued by
19 the Board, and waives any other cause of action related thereto or arising from said
20 Consent Agreement.
21

22 3. This Consent Agreement is not effective until approved by the Board
23 and signed by its Executive Director.
24
25

1 4. The Board may adopt this Consent Agreement of any part thereof.
2 This Consent Agreement, or any part thereof, may be considered in any future
3 disciplinary action against Respondent.

4 5. This Consent Agreement does not constitute a dismissal or resolution of
5 other matters currently pending before the Board, if any, and does not constitute
6 any waiver, express or implied, of the Board's statutory authority or jurisdiction
7 regarding any other pending or future investigation, action or proceeding. The
8 acceptance of this Consent Agreement does not preclude any other agency,
9 subdivision or officer of this State from instituting other civil or criminal proceedings
10 with respect to the conduct that is the subject of this Consent Agreement.
11

12 6. All admissions made by Respondent are solely for final disposition of this
13 matter and any subsequent related administrative proceedings or civil litigation
14 involving the Board and Respondent. Therefore, said admissions by Respondent
15 are not intended or made for any other use, such as in the context of another state
16 or federal government regulatory agency proceeding, civil or criminal court
17 proceeding, in the State of Arizona or any other state or federal court.
18

19 7. Upon signing this agreement, and returning this document (or a copy
20 thereof) to the Board's Executive Director, Respondent may not revoke the
21 acceptance of the Consent Agreement. Respondent may not make any
22 modifications to the document. Any modifications to this original document are
23 ineffective and void unless mutually approved by the parties.
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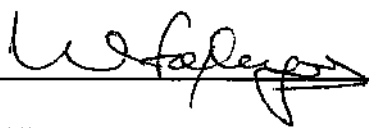
1 8. If the Board does not adopt this Consent Agreement, Respondent will not
2 assert as a defense that the Board's consideration of this Consent Agreement
3 constitutes bias, prejudice, prejudgment or other similar defense.
4

5 9. This Consent Agreement, once approved and signed, is a public record
6 that will be publicly disseminated as a formal action of the Board and will be
7 reported to the National Practitioner Data Bank and to the Arizona Medical Board's
8 website.

9 10. If any part of the Consent Agreement is later declared void or
10 otherwise unenforceable, the remainder of the Consent Agreement in its entirety
11 shall remain in force and effect.
12

13 11. Any violation of this Consent Agreement constitutes unprofessional
14 conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating
15 a formal order, probation, consent agreement or stipulation issued or entered into
16 by the board or its executive director under this chapter") and 32-1451.
17

18 **12. Respondent has read and understands the condition(s) of**
19 **probation.**
20

21 
22 William N. Foxley, M.D.

23 6/13/08
24 Date
25

FINDINGS OF FACT

1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. William N. Foxley, M.D. ("Respondent") is the holder of License No. 17023 for the practice of allopathic medicine in the State of Arizona.
3. The Board opened case number MD-04-0796A after Respondent notified the Board on his biennial renewal form that he was under investigation by the Medical Board of California.
4. On June 23, 2004, the Board received notification from the California Board that Respondent had entered into a Stipulated Settlement and Disciplinary Order effective June 11, 2004. The California Board placed Respondent's license on probation for five years with various terms and conditions for unprofessional conduct and gross negligence, including a prohibition from supervising physician assistants.
5. The California Board investigated Respondent's care and treatment of seven patients between 1997 and 1998. The Board found, and Respondent stipulated, that he had provided unnecessary vaginal hysterectomies and oophorectomies for all of the patients and that such conduct constituted gross negligence and unprofessional conduct.
6. By Stipulated Settlement and Disciplinary Order, the California Board revoked Respondent's license, stayed the revocation and placed Respondent on probation for five years. The probation required he complete a PACE evaluation and clinical

1 training program within sixty days and that he obtain a practice monitor within thirty
2 days who will review random files and provide quarterly reports to the Board
3 among other conditions.

4 7. Respondent admits that the conduct above constitutes unprofessional conduct
5 under Arizona Statutes.
6

7 CONCLUSIONS OF LAW

8 1. The Arizona Medical Board possesses jurisdiction over the subject matter
9 hereof and over Respondent.

10 2. The Board possesses jurisdiction of the subject matter hereof and over
11 William N. Foxley, M.D., the holder of license number 17023, for the practice of
12 allopathic medicine in the State of Arizona.
13

14 3. The conduct and circumstances described above constitute unprofessional
15 conduct pursuant to A.R.S. § 32-1401(27)(o) "action that is taken against a doctor
16 of medicine by another licensing or regulatory jurisdiction due to that doctor's
17 mental or physical inability to engage safely in the practice of medicine, the doctor's
18 medical incompetence or for unprofessional conduct as defined by that jurisdiction
19 and that corresponds directly or indirectly to an act of unprofessional conduct
20 prescribed by this paragraph. The action taken may include refusing, denying,
21 revoking or suspending a license by that jurisdiction or a surrendering of a license
22 to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that
23 jurisdiction or placing a licensee on probation by that jurisdiction.
24
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4. The conduct and circumstances described in the California matter correspond

1 to unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) "any conduct or
2 practice that is or might be harmful or dangerous to the health of the patient or the
3 public," and A.R.S. § 32-1401(27)(II) "conduct that the board determines is gross
4 negligence, repeated negligence or negligence resulting in harm to or the death of
5 a patient."

6
7 5. The Board possesses statutory authority to enter into a consent agreement
8 with a physician and accept the surrender of an active license from a physician who
9 admits to having committed an act of unprofessional conduct. A.R.S. § 32-
10 1451(T)(2).

11 **ORDER**

12
13 IT IS HEREBY ORDERED that:

14 License Number 17023, issued to William N. Foxley, M.D. for the practice of
15 allopathic medicine in the State of Arizona, is surrendered and that William N.
16 Foxley, M.D. immediately returns his wallet card and certificate of licensure to the
17 Board.

18 DATED AND EFFECTIVE this 8th day of August, 2008.

19 ARIZONA MEDICAL BOARD

20 (SEAL)



By


Lisa S. Wynn
Executive Director

///

1 ORIGINAL of the foregoing filed this
2 2nd day of Aug, 2008 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 2nd day of Aug, 2008 to:

8 William N. Foxley, MD
9 Address of Record

10 David B. Foxley
11 Investigational Review

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